



New Jersey Department of Children and Families Policy Manual

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Purpose:

This issuance establishes policies and procedures for children in the care and custody of the Department of Children and Families (DCF) for adoption in a Hague participating country.

Authority:

- Immigration and Naturalization of Adopted Children Act, 1978
- Hague Conference on Private International Law, 1993
- 22 CFR 96.54(a) Standards for Convention Cases in Which a Child Emigrating from the United States (Outgoing Cases)
- 22 CFR Part 97.3 Requirements Subject to Verification in an Outgoing Convention Case
- 22 CFR 96.46 Using Providers in Foreign Countries
- N.J. Court Rules R.5:10-10 Adoptions of United States Citizens by Residents of Foreign Countries that are Signatories to the Hague Adoption Convention

Policy:

A) Intercountry Adoptions

- 1) When in the best interest of the child, intercountry adoption with a relative or kin, provides a permanency plan to a child in the custody or guardianship of the State of New Jersey.
- 2) Through Interstate, CP&P refers children in the custody or guardianship of CP&P for a home study for adoption placement with a relative or kin in a country participating in The Hague Convention. CP&P cannot place a child in the home

for the purpose of Intercounty Adoption until CP&P has been granted guardianship of the child.

- 3) To view a list of participating countries, see [Convention Countries](#). If the relative or kin does not reside in a Hague participating country, refer to the International Social Services liaison. See [CP&P IVC-9-200](#) International Social Services. See DCF-InternationalSocial.ServicesLiaison@dcf.nj.gov

B) Requirements of the Central Authority

The Central Authority in the receiving country coordinates the completion and approval of the home study based on the Hague Convention requirements and any requirements made by the United States Department of State. The United States Department of State is notified by Interstate of all Intercounty Adoptions

C) Referring Child for Intercounty Adoption and Hague Referral

- 1) The Worker shall consult with Interstate, the Concurrent Planner, and the Deputy Attorney General (DAG) to explore permanency options with relatives and kin outside of the United States. The relative or kin shall agree to participate in the Hague adoption home study and is willing to adopt. The Worker confers with Interstate and the Concurrent planner to complete the referral and provide necessary supplemental documents.
- 2) A child may have a permanency plan of intercountry adoption when a relative or kin who lives in a Hague participating country is committed to adopt a child in the custody or guardianship of CP&P and the child is eligible for adoption.
- 3) The Worker shall continue to concurrently plan to provide services and a safe and permanent living situation.

D) Hague Convention Approved Home Study

The home study is completed by an entity approved by the Central Authority of the receiving country. Through Interstate, the Worker shall request the home study in the receiving country. The Central Authority of each Hague participating country approves each home study and approval for placement. The home study shall state that the prospective adoptive parent is committed and approved to adopt.

The home study includes:

- At least one in person interview with each adult member of the household
- Financial assessment
- Assessment of physical, mental, and emotional or behavioral health issues
- Criminal history
- Child abuse history
- Prior home study
- Living accommodations

- Specific approval for adoption including addressing the child's special needs and the requirements of The Hague Convention
- The Receiving country indicates the child shall be able to enter and reside permanently in that country.

E) Department of State

- 1) The Report of Outgoing Adoption is completed online by Interstate prior to the child leaving the United States. Adoption Operations shall complete the request for the Hague Adoption Certificate after the adoption Finalization.
- 2) The Department of State requires a U.S. State court order as the basis for determining eligibility for a Hague Adoption Certificate (HAC). The attorney finalizing the adoption shall include in the order the eligibility for a Hague Adoption Certificate.

F) Visitation and Service Provision

- 1) The Worker shall refer the child for pre or post adoption counseling and other services to support the child's transition into the adoptive home.
- 2) The minimum visitation requirement for the child, once placed, is every three months until the child is adopted. At each visit, the Worker shall assess child safety, transitioning, and services needed. The Worker shall collaborate with the receiving country to ensure child is supervised and referred for services. Between visits, the Worker maintains monthly contact with the child and family via telephone or audiovisual services. See [CP&P III-C-3-100](#) Minimum Visitation Requirement.

G) Placement:

- 1) Prior to placement, the Worker shall obtain the required immunizations, travel documents, and passport for the child and Worker. The Worker shall also submit the subsidy packet for approval. See [CP&P IV-C-8-100](#) Adoption Subsidy Generally.
- 2) The Local Office staff shall collaborate with the receiving country for placement and service needs of the child.
- 3) At the time of placement, the Worker shall provide a list of resources and CP&P Form 14-242, Hague Adoption Placement Letter granting permission for placement. The receiving country and Worker, in collaboration with Interstate and Adoption, creates a placement plan to ensure the child has the following:
 - Medical and Dental Coverage
 - Immunizations
 - Passport
 - Enrolled in school or education program appropriate for his or her age and development
 - Child Summary/Part B
 - Life Book

- Custody or guardianship established
- Letter documenting contact information for questions and supports in the receiving country
- An original court order with the gold seal and a translated copy.

H) Reporting After Placement

Some countries grant provisional approval of an adoption pending the child's residence for several months with the adoptive family in the receiving country. Those countries may require the adoptive parents to submit periodic post placement reports. The reports document the child's adjustment to the family environment as well as parent and child bonding. See country [specific adoption information](#).

I) Adoption Finalization

- 1) When done in accordance with The Hague Convention, the adoption is immediate and automatic. Every child adopted between Hague Convention countries is eligible to receive a Hague Adoption Certificate. If the child is subsidy eligible, the child shall receive the subsidy.
- 2) At the finalization, the attorney requests the court to make specific findings and an order supporting a request for the U.S. Department of State to issue a Hague Certificate of Adoption.
- 3) The Office of Adoption Operations shall notify the Department of State of the adoption finalization and facilitate international subsidy payment.

J) Citizenship

The child may be able to maintain US citizenship; however, the receiving country may not allow citizens to have dual citizenship. Citizenship is based on the law of the receiving country.

K) Placement Disruption

- 1) The receiving country shall take measures necessary to protect the child prior to the adoption. If the receiving country determines that continued placement with the prospective adoptive parent is not in the best interest of the child, the receiving country shall do one of the following:
 - Withdraw the child from the prospective adoptive parents and arranging temporary care.
 - Arrange, without delay, a new placement for the child in consultation with the United States Department of State.
 - Arrange the return of the child.

- 2) The child may be consulted if she or he is an appropriate age, development, and maturity.

L) Worker Safety

- 1) Prior to traveling to place the child in a Department of State approved Hague Adoption placement, the Worker shall confer with the Office of Emergency Management for country specific safety concerns.
- 2) Upon entry into the country, the Worker shall notify the consulate and provide the length of the stay and the location of the placement. In the event of an emergency, the Worker shall notify the consulate and CP&P Supervisor. The Worker shall contact the supervisor daily and notify the consulate of challenges and safety concerns.

Procedures:

Responsibility	Action Required
Supervisor /Worker	Determine the need of intercountry adoption with relative or kin. Consult with DAG.
Worker	Verify relative or kin is committed to adopt the child. Complete CP&P Form 14-214, Hague Adoption Referral.
Local Office Manager or Designee And Area Director or Designee	Approve Hague Adoption Referral Form
Worker	Forward CP&P Form 14-241 Hague Adoption Referral and referral packet to Interstate Services. Retain one copy for the case record.
Interstate Services	Review and forward request to the receiving country.
Receiving Country	Notifies Interstate Services of requirements and the associated fees
Interstate Services	Forwards requirements of the receiving country to the Worker and Supervisor.
Worker	Forwards required information and fees to Interstate.
Receiving Country	Facilitate home study and return results to Interstate Services.
Interstate Services	Review home study report and recommendations from the receiving country and forward to the LO
Supervisor and Worker	Review receiving country's report and recommendations.

	<p>Create permanency plan for the child with the goal of adoption.</p> <p>Notify Adoption Operations of possible Intercountry Adoption.</p> <p>Notify Adoption Operations, Interstate, and the family of the decision to place the child for adoption.</p>
Interstate Services	<p>Report the pending placement to the United States Department of State using form Report on Outgoing Cases within 20 days of notice that the child shall emigrate to a foreign country.</p> <p>Forward report and recommendations to the United States Department of State.</p>
Worker	<p>Within 30 days of the placement approval, the Worker applies for the child's passport, arranges for necessary immunizations, and all other required travel documents on behalf of the child.</p> <p>If adoption placement is approved, the Worker applies for the child's passport, arranges for necessary immunizations, and all other required travel documents on behalf of the child within 30 days. Worker obtains a court order with gold seal permitting CP&P to travel with child. If necessary, get the court order translated.</p> <p>The Worker should be fit for travel, have necessary immunizations, and a passport.</p> <p>Worker collaborates with the Central Authority to facilitate placement into the</p>

	<p>receiving country. Worker notifies the consulate of plan and purpose of entering country and inquire about safety issues.</p> <p>Upon arrival to country, notify consulate of entrance into country. provides documentation for child's care, adoption, and a plan should the placement disrupt.</p> <p>Worker ensures all documents are translated as necessary and copies are retained in a secure location.</p> <p>Worker provides documentation to the adoptive parent for the child's care, adoption, and a plan should the placement disrupt.</p> <p>When adoption is finalized, the Worker closes case. If the child receives subsidy, a subsidy case is opened.</p>
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1) Interstate Referral Hague Adoption

- a) The Worker completes referral using form CP&P 14-241 Hague Adoption Referral. The following are required forms for inclusion in the Intercountry Adoption Packet:
 - Birth Certificate
 - Psychological
 - Medical, Immunizations, and Dental
 - Child Summary/Part B
 - Education Records
 - Child Immigration Status
- b) The Worker forwards the completed referral packet and all required documentation to Interstate. Interstate sends the home study request to the appropriate receiving country. The receiving country may require additional documents. Interstate will advise the Worker of required additional documentation.

2) Role of Interstate Services

The role of Interstate is to maintain a record of referral to the receiving country and transmit the status and result of the home study request to the Local Office.

Interstate notifies Adoption Operations of the Intercountry Adoption Referral. Interstate also notifies the United States Department of State using form [Report on Outgoing Cases](#) within 20 days of notice that the child shall emigrate to a foreign country.

3) Role of Adoption Operations

- a) Once the permanency goal is changed to adoption, Adoption Operations consults with Interstate and the Worker. Adoption Operations tracks each child referred for Intercountry Adoption.
- b) Adoption Operations completes the Form [Application U.S. Hague Adoption Certificate](#) at the time of adoption finalization to request the certificate.

4) Translation

Translate and certify all documentation and correspondence as being in the conformity with the original. The CP&P Local office arranges and pays for translation services when sending to the receiving country and exchanging information between the sending and receiving country.

5) Placement

- a) The Worker coordinates with the Office of Business Operations to arrange travel and notification to the Office of Emergency Management
- b) At least 20 days prior to placement, Interstate notifies the Department of State and the receiving country's consulate of the impending placement. [Report on Outgoing Adoption](#). The Worker also contacts the IT Department to request a phone with international service.
- c) Once leaving the state of New Jersey, the Worker shall communicate daily with his or her supervisor until returning to the state of New Jersey.

Key Terms (Definitions):

- **Hague Convention-** An international agreement to safeguard intercountry adoptions by setting standards to approve adoptions to prevent abduction, sale of, or trafficking of children.
- **Hague Adoption Certificate-** The child receives this certificate to emigrate from the United States to another Hague Convention country certifying that the child has been adopted in the United States in accordance with the Convention.
- **Intercountry Adoption-** A Hague Convention approved adoption between by countries participating in Hague Convention.

History:

- Effective 10/21/2013
- Revised 12/07/2020

Policy and Forms:

- CP&P [III-C-3-100](#) Minimum Visitation Requirement
- CP&P [IV-C-8-100](#) Adoption Subsidy Generally
- CP&P [IV-C-9-200](#) International Social Services
- CP&P [14-241](#) Hague Referral
- Form [14-242](#) Hague Adoption Placement Letter

Related Information

- [Application U.S. Hague Adoption Certificate](#)
- [Report on Outgoing Adoption](#)
- [Convention Countries](#)